NATIONAL MARINE FISHERIES SERVICE INSTRUCTION 30-121-07
JUNE 23, 1998

Administration and Operations
Agreements with the National Ocean Service

INTRA-NOAA AGREEMENT B/W THE AA OF NMFS AND THE AA OF OCEAN SERVICES AND COASTAL ZONE MANAGEMENT

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[Approving Authority name] Date
[Approving Authority title]

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INTRA-NOAA AGREEMENT

between the

Assistant Administrator
National Marine Fisheries Service

and the

Assistant Administrator
Ocean Services and Coastal Zone Management

I. GENERAL INFORMATION

Stewardship of U.S. coastal habitat and living marine resources are elements in the mission of NOAA. An underlying goal is to ensure economic prosperity while maintaining habitat functions necessary for sustained use of and benefits from marine resources. Within NOAA, the Ocean Services and Coastal Zone Management (NOS) and National Marine Fisheries Service (NMFS) have responsibility and mandates for stewardship and management of the coastal zone and the living marine resources. The statutory mandates and management authorities are from the Magnuson - Stevens Fishery Conservation and Management Act (MSFMCA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Coastal Zone Management Act (CZMA), the National Marine Sanctuaries Act (NMSA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Ocean Thermal Energy Conversion Act of 1980 (OTEC), among others. In meeting these mandates the agencies must develop and use the best available science in achieving management objectives.

Improving NOAA's leadership on coastal issues at a time when there are constraints on both human and fiscal resources requires that current resources and scientific expertise are used wisely. It is, therefore, imperative that program elements within NOAA, particularly NMFS and NOS, collaborate on coastal research issues. This intra-agency agreement provides the framework for collaboration between the Northwest Fisheries Science Center (NWFSC), NMFS and NOS for executing scientific and technological research needed to improve management of coastal habitat and to ensure that key national and organizational goals, priorities, and values are considered. The objectives of this intra-agency collaboration are to: (1) execute NOAA mandates; (2) strengthen the scientific basis for NOAA's stewardship of coastal habitats; (3) foster internal communication and cooperation within the Agency; (4) leverage limited resources for increased efficiency; (5) improve integration of management, monitoring, and research and methods development to address current and emerging issues of impacts from human or other activities on coastal habitat and dependent LMR; (6) maximize utilization of NOAA research facilities, seawater laboratories and vessels; (7) avoid duplication and promote effectiveness; and (8) provide stable funding for long term scientific research.

II. REFERENCES AND AUTHORITY

The legal mandates and management authorities, as stated above, are from four major acts the MFMCA, ESA, MMPA and CZMA. The primary coastal habitat responsibilities for NMFS are through the MSFMCA, ESA and MMPA and for NOS through the CZMA, NMSA, CERCLA, and OTEC. In addition, the Under Secretary for Oceans and Atmosphere established the Coastal Stewardship Task Force (CSTF) in 1994 to conduct a comprehensive review of NOAA's varied coastal programs and prepare options for how to improve NOAA's effectiveness in this area. Five recommendations were made by the CSTF. Those recommendations, along with the Undersecretary's comments, are summarized in a memorandum dated May 29, 1997. The recommendations address the need for programmatic changes within NOAA to strengthen NOAA's leadership role in stewardship of coastal habitat, enhance research support for NOAA coastal zone management and build more effective linkages among NOAA's coastal programs. That memorandum is incorporated into this agreement by reference and provides the authority for this action.

III. PURPOSE

As directed by the Undersecretary in his memorandum, the Assistant Administrator for NOS has the lead for implementing the recommendations of the CSTF. This intra-agency agreement establishes a framework for collaboration that is the subject of this agreement, between the NOS and the NMFS's NWFSC on a wide variety of coastal research matters under the responsibility of NOS and NMFS and that serve the missions of both organizations. The combined expertise of the NWFSC and organizations in NOS addressing the impact of human and other activities on coastal habitat brings greater breadth to that science enterprise and the dissemination of its products than would be possible from two separate programs.

IV. PROJECTS

Projects may be conducted as collaborations by any of the NWFSC and NOS organizational units. During the first years of the agreement, collaborations will include, but not be limited to, collaborations between NOS's Science Office, Coastal Services Center and NOS's Damage Assessment Center and the Environmental Conservation (ECD) division of the NWFSC. The initial projects to be considered include:

(1) Assessment of chemical contaminant distribution and effects on habitat processes and living marine resources in coastal areas. This project shall be carried out in conjunction with NOS's Science Office and Coastal Services Center, which shall work with data provided by ECD/NMFS to provide mapping and other tools and education to coastal managers;

(2) Assessments of injuries to habitat processes and living marine resources in coastal areas resulting from releases of oil and other hazardous materials. This project shall be carried out under the auspices of the Damage Assessment and Restoration Program of NOAA. This is a continuation of services already supplied by ECD/NWFSC to the Natural Resource Damage Assessment Trustees through the NOAA Damage Assessment Center. Funding shall be continued at approximately FY 96 levels;

(3) Assessment of harmful algal bloom events and impacts in coastal areas, including methods and model development. This project shall be carried out in conjunction with NOS's Coastal Service Center, which shall work with data provided by ECD/NMFS to provide mapping and other tools and education to coastal managers;

(4) Collaboration on assessment of Pfiesteria organisms, or other harmful algae, and their impacts on coastal areas and living marine resources. This project shall be carried out with NOS Science Office, which shall work with methods and analysis provided by the NWFSC;

(5) Collaboration on water quality issues as they impact anadromous fish essential/critical habitats, particularly during their freshwater life phases.

(6) Other such projects as the parties shall mutually agree..

An appendix (Appendix 1) is attached describing operational elements for the collaboration between the Environmental Conservation Division (ECD) of the NWFSC and organizational units in NOS addressing environmental impacts from toxic substances. The appendix is intended to serve as a template for any future appendices that may be attached, as needed, to the agreement. Appendix 1 provides guidance for staff in carrying out this agreement and for developing future collaborative efforts in other areas. Specifically, Appendix 1 to this agreement describes: (1) benefits from collaboration between NOS and ECD, both short term and long term; (2) advantages of a collaborative relationship; (3) synergy resulting from NMFS/NOS co-support of ECD; (4) accountability measures for insuring effective collaboration; and (5) a framework for scientific investigations under the Damage Assessment and Restoration Program of NOAA. Copies of the appendices will be provided to NOS and NMFS Assistant Administrator.

Project descriptions will be developed, jointly, for each project/activity carried out under this agreement. Consistent with the GPRA requirements, project descriptions will indicate which of the NOAA strategic plan goals and objectives are supported by the work and the results will be reported through either NOS or NMFS.

V. FUNDING

The collaborative research needs outlined herein are long-term in nature and thus necessitates a continuous funding stream as appropriate. Funds from NOS and NMFS to support research will be accessed through accounts designated by each, and the transfer of funds will occur after

project descriptions are developed in accordance with the operational elements described in Appendix 1. Project descriptions for each project/activity will describe both the NOS and NWFSC contributions to the project and will include each organizations financial commitments, including staff salary, FTEs (existing or new) and other expenses; source of funding by appropriation and line item; and duration of funding.

VI. TERMS OF THE AGREEMENT

This agreement will become effective upon the signature of both of the approving officials and will remain in effect for five years or until terminated by mutual agreement of the Assistant Administrators. At the end of the five years, the Assistant Administrators concerned will reassess the need for a new agreement.

VII. AMENDMENTS AND REVIEW

This agreement may be amended at any time to include additional provisions by mutual consent of the Assistant Administrators concerned. This agreement will be reviewed annually and amendments made as necessary.

VIII. OTHER PROVISIONS

Nothing herein is intended to conflict with current NOAA directives or appropriations. If the terms of this agreement are inconsistent with existing directives or appropriations, then those portions of this agreement which are determined to be inconsistent shall be invalid; but the remaining terms and conditions of this agreement not affected by inconsistency shall remain in full force and effect. At the first opportunity for review of the agreement, such changes as are deemed necessary will be accomplished by either an amendment to this agreement or by entering into a new one, whichever is deemed expedient to the interest of both parties.

Should disagreement arise as to the interpretation of the provisions of this agreement, or amendments and/or revisions thereto, that cannot be resolved by the Assistant Administrators signing this agreement, the area(s) of disagreement shall be reduced to writing by each party and presented to the other party for consideration at least 15 days prior to forwarding to the Undersecretary for Oceans and Atmosphere for appropriate resolution.

Attachment
Appendix 1

This agreement is entered into and made effective the / 23rd day of / JUNE , 1998.

APPROVED:

RODLAND A. SCHMITTEN	NANCY FOSTER
Assistant Administrator	Assistant Administrator
National Marine Fisheries Service	Ocean Services and Coastal Zone Management

(DK)

Appendix 1

INTRA-NOAA AGREEMENT

between the

Assistant Administrator
National Marine Fisheries Service

and the

Assistant Administrator
Ocean Services and Coastal Zone Management

(RAS)

Benefits from Collaboration between NOS and ECD

Short-term

- Provides research and monitoring capacity to initiate new coastal programs to meet Coastal Stewardship Task Force recommendations.
- Expands and integrates emergency response capabilities for toxic spills.
- Expands the damage assessment partnership to address wider range of cases.
- Provides research capabilities to resolve underlying questions that reoccur in damage assessment cases.
- Provides research capabilities to address both nutrient enrichment (e.g., harmful algal blooms) and chemical contaminants.
- Enhances NOAA's ability to quickly adapt research efforts to meet emerging issues, such as endocrine-disrupting chemicals, that call for new management strategies.
- Increases credibility of scientific advice provided; ECD brings immediate credibility from its strong track record.

Long-term

- Develop programmatic agency approach to management of toxic substance impacts, representing a departure from project-by-project approach.
- Coalesce components of the strategies on coastal habitat quality (e.g., contaminated sediments) and on health and quality of biological resources (e.g., commercial and recreational fish and shellfish).
- Centralize NOAA expertise to provide consistent scientific advice on toxics and natural toxins.
- Use a proactive research capability for finding solutions to management issues before crises develop.
- Integrate marine mammal toxics issues into a larger framework (e.g., more cohesive NOAA participation in the International Arctic Monitoring and Assessment Program--AMAP).

(RAS)

- Broaden constituency base.
- Maximize efficiency by reducing duplication.

(RAS)

Synergy Resulting from NMFS/NOS Co-support of ECD

- A demonstrable step in linking inter-line office activities addressing coastal habitat stewardship.

- Maximum efficiencies in research on pollution impacts to coastal habitat quality and living marine resources.

- Integration within a broader context the development of scientific advice on pollution impacts to biotic/fishery resource health and habitat functions that support biological productivity.

- A solid, well integrated research base for Damage Assessment and Restoration Program.

- Increased cohesiveness of NOAA's response to emergencies from release of toxic substances to the marine environment.

Accountability Measures for Insuring Effective Collaboration

- Operating agreement to define role and responsibilities.

- Establishment of an Oversight Committee to set overall objectives. The members are:
  - -- Usha Varanasi, NMFS
  - -- Don Scavia, NOS

- Establish, as needed, a technical advisory group consisting of NOS and NMFS working level managers/scientists to review progress on specific projects. A technical advisory group will be established by the Oversight Committee.

- Clear designation of POCs in ECD for specific research activities.

- Joint operating plan designating project leaders and deliverables.

- The research activities conducted will meet the objectives of the NOAA strategic plan and will address objectives where there is cross-cutting responsibilities for NMFS and NOS.

(RAS)

Advantages of a Collaborative Relationship

- No duplication.
- Cost-effectiveness in expanding capabilities (e.g., broader emergency response).
- Confidence that resource mandates of NOAA are addressed through the ECD research.
- Integration of research and methods development, monitoring, and management to address emerging issues of contaminant impacts on biological resources and habitat quality.
- Joining of NMFS and NOS expertise to bring greater breadth to the science enterprise and its products than would be possible from two separate programs, thereby strengthening the scientific basis for NOAA's stewardship of coastal habitats.
- Research facilities and seawater labs in close proximity to NOS branches (e.g., HAZMAT, DACNW, CMBAD).

Potential consequences of not pursuing an in-house NOAA collaboration:

- Extensive time and funding base required to develop a competent and productive technical team.
- Extensive time required to establish credibility.
- Bottom line: Duplicating a research capacity that already exists in NOAA is not cost-effective.

RAF

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RAC

Provision of a framework for scientific investigations under the Damage Assessment and Restoration Program of NOAA.

The ECD, with appropriate funding base, could provide the following services aimed at support of the DARP process.

- **Develop and retain a database of Standard Operating Procedures (SOPs).** The SOPs would cover field-sampling design and protocols, sample handling under chain-of-custody procedures, sample storage and archival, sample preparation, sample analysis for organic and inorganic contaminants, sample analysis for biological indices of injury, data collection and archival, statistical analysis of data, and documentation of statistical results. Most of these procedures are already developed by the ECD for use in damage assessment cases and are applicable to monitoring the restoration actions undertaken. This next step would make ECD responsible for dissemination of these procedures to other labs or contractors involved in NRDA cases.
- **Provide scientific oversight for NRDA cases.** This would include arranging or providing peer review of scientific interpretations of NRDA results from other labs or contractors, recommendations for scientific approaches to NRDA cases, representation of the DARP view with regard to scientific interpretation of the relationships between hazardous materials exposure and biological injury in NOAA trust resources, and appropriate rebuttal of science-based claims made by potentially responsible parties (PRPs). This service could be viewed as a component of scientific case management, and the ECD has already received very favorable comment from reviewers both within and outside the DARP for their development and application of expertise in this area. Scientific oversight of the monitoring phase following restoration activities would also involve several of the activities addressed above, such as recommendations for scientific approaches for monitoring the efficacy of restoration actions. Effective monitoring is critically important. Restoration science is in its infancy and a scientifically sound adaptive-management approach to restoration efforts is essential.
- **Maintain a core of staff prepared to be on-site at any spill or hazardous-materials release site within 72 hrs of notification.** These staff would be responsible for providing advice concerning the types of biotic and abiotic samples needed to support a potential NRDA case, take such samples as required, support NOAA in discussions and negotiations with PRPs regarding methodology to be used in joint assessment, and provide recommendations as to the possible extent of biological injury resulting from the release. This advice would focus on what is reasonable for pursuit of NRDA claims. Under this agreement between ECD and NOS, detailed investigations of NRDA claims would require additional support, which would be tied into recovery of costs from RPs.

DAS